

I want to get this thing before the house. It seems if we call for a vote on the ruling of the Chair at this point while the Chair is trying to get the matter before the house, it is a hard way to do it. I am trying to cooperate with Delegate Scanlan and find out whether everyone has copies of the amendment submitted by Delegate Scanlan and Delegate Bothe so we can have the matter properly before the house.

It is a simple matter. It strikes out lines 15 through 25. We really can take it by unanimous consent, take it on a verbal motion, if there would be a unanimous consent to that proposition. It is relatively easy to understand. In the absence of objection, that is the form in which it will be submitted.

Does anyone wish to be heard on the question?

DELEGATE KOSS: I would like to address a question to Delegate Scanlan if I might. I would like to know whether he thinks that these safeguards are not necessary in order to guard against frivolous use of the referendum or whether he thinks they are not constitutional in statute, or what is the basis for striking it?

DELEGATE SCANLAN: Obviously they are statutory materially. While there are safeguards at the present time, there may come a time when they do not do the job. There may come a time when they are unnecessary or unduly restrictive.

It seems to me this is precisely the type of material that would be better left out of the constitution and entrusted to the legislature. It is purely a matter of administrative detail saying the petition may consist of several papers, each paper containing a full text, et cetera. I think that is entirely unnecessary and really has no place in a modern and hopefully sparse constitution.

THE CHAIRMAN: Point of inquiry from the Chair.

Section 3 begins "a petition". If this language is not in, would that raise a question as to whether it had to be all in one paper? This question occurred to the Chair.

DELEGATE SCANLAN: I would think this would be a legislative judgment. I think the legislature could define what a petition, but I doubt the legislature would say it has to be one single sheet. They would have to make provision for the form, but I think provision for the form of petition again is a matter that should rest with

the legislature in the statute and not in the constitution.

THE CHAIRMAN: I think you are probably right.

Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, I would like to ask Delegate Scanlan if he does not agree that not only section 4, but other sections of this proposal as well also are subject to the same criticism. There is much in this provision, it seems to me, statutory in nature that should be left to the legislative process to handle in the proper manner.

DELEGATE SCANLAN: I certainly agree with Delegate Gleason. I gather that is part of the thrust of Mr. Gilchrist's amendment that will be offered later.

THE CHAIRMAN: Any further comments?

Delegate Schloeder, would you like to direct a question to Delegate Scanlan?

Will Delegate Scanlan yield?

DELEGATE SCANLAN: Certainly.

DELEGATE SCHLOEDER: Delegate Scanlan, is it not true that the material very much like the material contained in section 4 is presently found in the 1867 Constitution?

DELEGATE SCANLAN: No question about that, but one of the jobs we came down here to do is to eliminate unnecessary material and I think this is a classic example of it.

DELEGATE SCHLOEDER: Thank you.

Would you yield for another question?

DELEGATE SCANLAN: Yes.

DELEGATE SCHLOEDER: Is it not true that the material that you would like to delete here is also not found in the Constitutional Commission draft?

DELEGATE SCANLAN: That is right, I do not believe the Commission draft has material similar to this.

DELEGATE SCHLOEDER: Since you were one of the authors of that article, I bow to your knowledge. Thank you.

THE CHAIRMAN: Delegate Weidemyer.

DELEGATE WEIDEMEYER: I wonder if Delegate Scanlan would yield to a question?